

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/849,983

Atty. Docket No. Q64347

REMARKS

Claims 1 - 14 are presently pending.

I. 35 U.S.C. § 102 Rejections

Claims 1, 4, 5, 8, 11 and 14 are rejected by the Examiner under 35 U.S.C. § 102(a) as allegedly being anticipated by Applicant's Description of Related Art at pages 1 and 2 of Applicant's specification.¹ For the following reasons this rejection is respectfully traversed.

A. Independent Claims 1 and 5

Applicant's independent claims 1 and 5 recite the features of a retaining means for temporarily retaining a first block to a file before the first block is updated. At least these features are absent from Applicant's Description of Related Art.

While the Examiner compares Applicant's recital of a retaining means to lines 17 – 20 on page 1 of Applicant's specification, this comparison is inapposite. Lines 17 – 20 merely discuss a block exclusion process. Nothing within lines 17 – 20 on page 1 of Applicant's specification teaches or suggests that blocks are retained, let alone retained in the fashion recited by Applicant's claims. Claims 1 and 5 are therefore patentable, as are the claims that depend from claims 1 and 5 at least by virtue of their dependency (claims 2 – 4 and 9 – 11, and claims 6 – 8 and 12 – 14, respectively). The Examiner is therefore respectfully requested to reconsider and withdraw this rejection.

¹ While the Examiner characterizes Applicant's Description of Related Art as an admission of prior art, Applicant respectfully asserts that this characterization is the Examiner's and not Applicant's.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/849,983

Atty. Docket No. Q64347

II. 35 U.S.C. § 103 Rejections

Claims 2, 3, 6, 7, 9, 10, 12 and 13 are rejected under 35 U.S.C. § 103 in view of Applicant's Description of Related Art and U.S.P. No. 5,933,838 to Lomet. This rejection is respectfully traversed as explained below.

Applicant's claims 2, 3, 6, 7, 9, 10, 12 and 13 depend from one or the other of independent claims 1 and 5. As noted in Part I of this Amendment, Applicant's Description of Related Art is deficient in teaching or suggesting at least the noted features of Applicant's independent claims. Applicant's dependent claims include the noted features by virtue of their dependency.

Because the Lomet reference fails to cure the deficiencies of Applicant's Description of Related Art, Applicant's claims 2, 3, 6, 7, 9, 10, 12 and 13 are patentable. In view of the previous, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. Conclusion

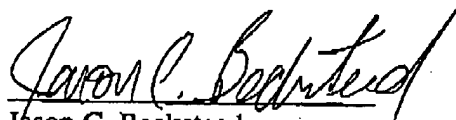
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/849,983

Atty. Docket No. Q64347

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Jason C. Beckstead
Registration No. 48,232

SUGHRUE MION, PLLC
Telephone: (650) 625-8100
Facsimile: (650) 625-8110

MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Date: January 6, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.111 is being facsimile transmitted to the U.S. Patent and Trademark Office this 6th day of January, 2005.


Sanae Kusakabe